

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DISTRICT

In re:) Case No. 17-17361
)
RICHARD M. OSBORNE,) Chapter 7
)
Debtor.) Judge Arthur I. Harris

TRUSTEE'S MOTION FOR EXAMINATION OF
HURON RIVER PROPERTIES, INC. F/K/A HURON LIME, INC.

Kari B. Coniglio (the “Trustee”), the chapter 7 trustee for the bankruptcy estate of Richard M. Osborne (the “Debtor”), moves for an order requiring one or more authorized representatives of Huron River Properties, Inc. f/k/a Huron Lime, Inc. (“Huron”) to appear at Vorys, Sater, Seymour and Pease LLP, 200 Public Square, Suite 1400, Cleveland, Ohio 44114 for an examination pursuant to rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) within thirty (30) days after entry of an order granting this Motion or a mutually agreeable date and time, and continuing until complete. The Trustee further moves for an order requiring Huron to produce certain documents on or before **Friday, October 25, 2019** **at 5:00 PM ET** or another date and time that is mutually agreeable to the Trustee and Huron. The subpoena duces tecum attached at **Exhibit 1** identifies the matters on which testimony is sought and the documents for which production is requested.

Bankruptcy Rule 2004(a) provides, “On motion of any party in interest, the court may order the examination of any entity.” The examination must relate to the “acts, conduct, or property or to the liabilities and financial condition of the debtor.” Fed. R. Bankr. P. 2004(b). Bankruptcy Rule 2004(c) provides that the Trustee may compel attendance and the production of documents on issuance of an appropriate subpoena in accordance with Rule 45 of the Federal Rules of Civil Procedure (the “Rules”), which is made applicable to this proceeding by

Bankruptcy Rule 9016. The Trustee is prepared to issue the subpoena duces tectum attached at **Exhibit 1** in accordance with Bankruptcy Rule 9016 on entry of an order pursuant to Bankruptcy Rule 2004.

The Trustee seeks information from Huron that relates to the financial affairs of the Debtor, property of the Debtor's estate, and matters which may affect the administration of the estate. Specifically, the Trustee seeks information relating to the following: Huron's relationship with the Debtor and entities in which the Debtor has an interest; the proof of claim filed by Huron on May 15, 2018; the Debtor's indebtedness to Huron or persons or entities associated with Huron; and the Debtor's interest in any association, corporation, limited liability company, partnership, joint venture, or other entity. The testimony of one or more representatives of Huron and the documents requested are necessary for the Trustee to administer the Debtor's estate.

WHEREFORE, the Trustee requests that the Court (i) order one or more authorized representatives to appear for examination within thirty (30) days after entry of an order granting this Motion or a mutually agreeable date and time, and continuing until complete, at Vorys, Sater, Seymour and Pease LLP, 200 Public Square, Suite 1400, Cleveland, Ohio 44114, (ii) produce the documents requested in connection with the subpoena duces tectum on or before **Friday, October 25, 2019 at 5:00 PM ET** or another date and time that is mutually agreeable to the Trustee and Huron, and (iii) deem the provisions of Rule 45(a)(4) satisfied by the filing of this motion.

Respectfully submitted,

/s/ Patrick R. Akers

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Counsel to the Trustee

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Trustee's Motion for Examination of Huron River Properties, Inc. f/k/a Huron Lime, Inc.* was served via the Court's Electronic Case Filing System on October 10, 2019 on the following who are listed on the Court's Electronic Mail Notice List:

- Patrick R. Akers, prakers@vorys.com
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- Alison L. Archer, alison.archer@ohioattorneygeneral.gov
- Richard M. Bain, rbain@meyersroman.com
- Adam S. Baker, abakerlaw@sbcglobal.net,
- Austin B. Barnes, III, abarnes@sandhu-law.com
- Robert D. Barr, rbar@koehler.law
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And by regular U.S. mail on the following:

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c/o Jodi Littman-Tomaszewski
60 South Park Place
Painesville, Ohio 44077

/s/ Patrick R. Akers

Patrick R. Akers (0095985)

Counsel to the Trustee